

Application No. 10/500,029
Amendment dated January 19, 2006
Reply to Office Action of October 19, 2005

Docket No.: 22106-00068-US1

REMARKS

Claims 8-12 are now pending in this application. Claim 8 is independent. No claims have been amended. Claims 1-7 have been canceled and claims 8-12 have been added by this Amendment.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Anticipation Rejection over Wisby et al.

Withdrawal of the rejection of claim 1 under 35 U.S.C. 102(b) as being unpatentable over Wisbey et al. (US 5,612,579) is requested. Claim 1 has been canceled, thus rendering its rejection moot.

Unpatentability Rejection over Wisby et al. in View of Shvach et al.

Withdrawal of the rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over Wisbey et al. in view of Shvach et al. (US 6,005,757) is requested. Claim 2 has been canceled, thus rendering its rejection moot.

Unpatentability Rejection over Wisby et al. in View of Shvach et al. and Hamann et al.

Withdrawal of the rejection of claim 3 under 35 U.S.C. 103(a) as being unpatentable over Wisbey et al. in view of Shvach et al. and Hamann et al. (US 5,457,729) is requested. Claim 3 has been canceled, thus rendering its rejection moot.

Unpatentability Rejection over Wisby et al. in View of Spencer et al.

Withdrawal of the rejection of claims 4 and 5 under 35 U.S.C. 103(a) as being unpatentable over Wisbey et al. in view of Spencer et al. (US 6,212,049) is requested. Claims 4-5 have been canceled, thus rendering their rejection moot.

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Unpatentability Rejection over Wisby et al. in View of Schuster et al.

Withdrawal of the rejection of claims 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over Wisbey et al. in view of Schuster et al. (US 6,801,792) is requested. Claims 6-7 have been canceled, thus rendering their rejection moot.

New Claims 8-12

New claims 8-12 have been drafted using alternative claim language in a manner which is believed to avoid the applied art, and to further claim that which Applicants regard as their invention. Consideration and allowance of these new claims are respectfully requested.

New independent claim 8 finds its support at least in now-canceled claims 1, 4, and 5, and in the originally-filed specification at least at paragraphs [0032] and [0046] through [0049].

Discussion of Applicants' Disclosure

Applicants' disclosure is directed to a high speed transfer system which includes three protection and control devices, for example, two feeder bus-bar failure detection devices and a third including a computer or processor-implemented protection and control device that coordinates transfer of loads from a failed feeder bus-bar to an unfailed feeder bus-bar, for example, or at least coordinates the disconnection of a load from a failed feeder bus-bar, as another example.

Deficiencies of the Previously Applied Art

The device in Wisby et al. appears to be the closest art with respect to the previously claimed device. The differences between Wisby et al. and the previously and currently claimed devices at least include the following:

- Wisbey et al. do not teach use of software architecture;

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- Wisbey et al. do not teach adopting two software parts, which run in parallel and interacts asynchronously to manage events and normal cycles; and
- Wisbey et al. do not teach assignment of a certain execution priority to both the events and the cycles to be executed.

Spencer et al., on the other hand, arguably teach use of a software architecture in which a first software part (see the '049 patent at figure 5, blocks 502-526 and 530) is executed in software cycles and a second software part is executed with events (see the '049 patent at figure 5, blocks 528 and 532). The same kind of structure appears to also be used internally in the blocks of the main software architecture structure (see for examples the blocks 522-524 in figures 7A-7B and the block 532 in figure 8).

However, Spencer et al. do not teach that these software parts run in parallel. Both in the software architecture and internally to the blocks, the second software part is executed when the first software is completed. For example, referring to figure 5, it is apparent that the software blocks 528 and 532 are executed only when the block 526 reaches a certain predefined counting value. If this value is not reached, the main execution cycle, which comprises the blocks 502-526 and 530, is repeated.

As mentioned, in the software architecture taught by Spencer et al., the first and second software parts do not run in parallel as claimed by Applicants. On the contrary, they run according to a sequential execution mode. For the same reasons, it is apparent that no priority assignment is made run-time in the software architecture taught by Spencer et al. Due to the adopted sequential execution mode; the execution of the blocks 502-526 and 530 (*i.e.* the first software part) has always a higher priority with respect to the execution of the blocks 528 and 532 (*i.e.* the second software part).

This kind of predetermined priority assignment is overcome by Applicants' disclosed approach (see description at paragraphs [0046]-[0049]), in which a run-time priority assignment

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is performed. If an event of the second software part is assigned with a lower priority then it is executed after the complete execution of a corresponding software cycle of the first software part. On the contrary, if the priority is higher, the execution of the software cycle is asynchronously interrupted, and the event is immediately executed. Since this kind of teaching is not present at all in the '049 patent, the subject matter of new claim 8 should be considered novel and nonobvious with respect to the previously applied art.

Conclusion

In view of the above amendment and remarks, Applicants believe that each of pending claims 8-12 in this application is in immediate condition for allowance. An early indication of the same would be appreciated.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number indicated below.

Although no fees are believed to be due with this response, for any fees that are due, including fees for extensions of time, the Director is hereby authorized to charge any fees or credit any overpayment during the pendency of this application to CBLH Deposit Account No. 22-0185, under Order No. 22106-00113-US1 from which the undersigned is authorized to draw.

Respectfully submitted,

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